



SAN BRUNO CITY COUNCIL

REGULAR MEETING

MINUTES

June 22, 2004

THIS IS TO CERTIFY THAT:

The San Bruno City Council met in regular session on June 22, 2004 at the San Bruno Senior Center 1555 Crystal Springs Road and the meeting was called to order at 7:00 p.m.

Mayor Franzella thanked the **San Bruno Garden Club** for providing the beautiful floral arrangement.

1. ROLL CALL:

Mayor Franzella presiding with Councilmembers in attendance, Vice Mayor O'Connell, Pallas, Ruane, and Ibarra and City Clerk Simon recording.

PLEDGE OF ALLEGIANCE:

Led by Assistant City Manager Rogers. **Mayor Franzella** noted that this would be Mr. Rogers last meeting since he had taken a position in the North Lake Tahoe area and thanked him for his fine service and wished him well on behalf of the entire City Council and citizens of San Bruno.

ANNOUNCEMENTS:

a. San Bruno's **2632nd Transportation Company** of the California National Guard will arrive home from Iraq on Sunday July 11, 2004, and will be honored at Skyline College.

b. The June 15, 2004, **City Council Budget Study Session** will be replayed on Cable TV Channel 11 Thursday June 24, 2004 at 6:00 p.m.

c. The **San Bruno Redevelopment Agency Meeting** follows tonight's City Council meeting.

PRESENTATIONS:

a. **Mayor Franzella** presented a proclamation to Rico Medina, Chair of the Parks and Recreation Commission, declaring July, **"Parks and Recreation Month"**. Mr. Medina announced that to celebrate this, on July 24th, there will be free swimming, hot dogs and drinks. Free Concerts in the Park are planned this summer and financial assistance scholarships are also available for children's programs.

b. Julia Bott, Executive Director, San Mateo County Parks and Recreation Foundation, presented information regarding establishment of a **San Mateo Countywide Special Parks and Recreation District**. The process will start in late July of 2004, with representation from all San Mateo County Cities. She requested that San Bruno be involved and identify those individuals who will give input.

Councilmember Ibarra said San Bruno has a County Park also and was concerned that we were not mentioned in the summary information.

Mayor Franzella thanked Mrs. Bott and said he looks forward to the invitation and our involvement.

2. REVIEW OF AGENDA:

City Manager Jackson requested the City Council take an urgency action to add two items to the agenda tonight. This urgent action is required because there are deadlines of July 1, 2004, involved, and this action arose after the agenda was prepared. The two items are resolutions that will be discussed in closed session. Mayor Franzella said they would become items 13b.

M/S Ibarra/Ruane to add the items, passed unanimously.

3. APPROVAL OF MINUTES: for regular Council meeting of June 8, 2004, approved as submitted.

4. CONSENT CALENDAR:

- a. Approve: Payroll** of June 4, 2004
- b. Approve: Accounts Payable** of May 24, 2004. (Council Packets only, copy is available for review at the City Clerk's office)
- c. Accept:** Reconciliation of **General Ledger** to Bank reports and the **Investment** reports dated May 31, 2004, as submitted by City Treasurer Karen Hornung.
- d. Adopt:** Waive second reading and adopt Ordinance No. 1693 allowing for charging the Water Enterprise fund a 2% In-Lieu Franchise Fee.
- e. Adopt:** Waive second reading and adopt Ordinance No. 1694 allowing for charging the Wastewater Enterprise fund a 2% In-Lieu Franchise Fee.
- f. Adopt:** Waive second reading and adopt Ordinance No. 1695 adjusting water rates. Establishes rates and service charges for water.
- g. Adopt:** Waive second reading and adopt Ordinance No. 1696 adjusting wastewater rates. Establishes rates, charges, and fees pertaining to wastewater (Sanitary Sewer) service.

Councilmember Pallas pulled items, 4d, e, f, and g.

M/S O'Connell/Ibarra to approve the remainder of the Consent Calendar, passed unanimously.

Councilmember Pallas stated he voted No on their first reading and will be doing the same this time.

M/S Ruane/O'Connell to approve items 4d, e, f, and g. Passed by a majority vote, O'Connell, Ruane, Ibarra, and Franzella, Yes, and Pallas, No.

5. PUBLIC HEARINGS: (Notices have been published, posted, and mailed.) **None**

6. UNFINISHED BUSINESS:

Receive request from San Bruno Park School District and authorize response regarding amendment to the Joint Use Agreement between the City and School District relative to modifying **Sports Field Maintenance** on School District property. City Manager Jackson reviewed the history of this issue and noted the details from the May 26, 2004, letter from David Hutt, Superintendent. The Council Ad Hoc Committee is recommending that the City would assume full cost for these services through August of 2004 and work with the sports groups to schedule next season's activities without use of School District fields. All other aspects of the Agreement would remain in full effect.

Councilmember Ibarra said the original request was to terminate service at Belle Air School but the Council Ad Hoc wanted to terminate service at all sites. The School District wants us to mow the field twice a month. He said we should be able to cooperate and is disturbed it has come to the Council again.

City Manager Jackson said we are trying to reach an agreement with cost benefits for both parties and currently the sharing of the cost burden is weighted on the City's side.

Christopher Kiely, President San Bruno Park School Board said there is no issue with other parts of the Agreement it is only the "Field Maintenance:" portion that is in question. This agreement was signed in July 2002, which means the fiscal year 2001-2002 was already over and payment should not commence until 2002-2003. When the invoice was received the cost of doing Belle Air School was four times that of Parkside School. Activities such as trash pick up and weekly cutting is more than possibly necessary. Should we be paying \$20,000 a year to maintain Bell Air School field when sports groups mostly use it? The District should only be charged actual cost because charging so much per hour is the wrong method. The City has never charged us for Carl Sandberg and there is not a school there.

Councilmember Ruane asked Parks & Recreation Director Larry Mazzuca to explain the cost difference between Belle Air School and Parkside. He said the agreement between the former Superintendents was to maintain fields in their current condition. Belle Air School field has a serious gopher problem and other pest control needs. Trash pick up has been requested by the school. We are providing a service to the School District that was always at no cost. Fields are mowed twice a month because, if the grass gets too high, it will not be a quality playing field. The irrigation system must be monitored more often to avoid wet spots and possible liability. If the gophers contained and the grass fertilized, our standards will go backwards, this does not provide level of maintenance both parties agreed to.

Mayor Franzella said he is concerned as to how we would accommodate all the sports user groups once the City took over scheduling just on City fields.

Mr. Mazzuca said we are very confident that we can work with all the user groups to meet their needs.

Councilmember Ibarra said a group will have the option to continue to play on school owned property or switch over to City fields.

Director Mazzuca said the groups using Parkside and Belle Air fields have a huge investment in the facilities and it is not likely they would not continue to use the same fields.

Councilmember Pallas asked who is using the Belle Air School Fields?

Director Mazzuca said there are two fields in question, Lions field and Belle Air School field. San Bruno Pony and Bronco leagues use the later.

Councilmember Pallas said we need to have a meeting with the School Board to work this out. He does not feel we have enough fields to accommodate all the kids.

Councilmember Ruane said we have had meetings with School Board members and the number one concern has always been the kids.

Vice Mayor O'Connell said the Belle Air fields are in good shape because we have maintained them for many years at no cost to the School District. Due to budget constraints we made this agreement with the School Board. The School District said in a letter that they can maintain them at a better level and there was never a reference to "how we were charging". The Council Ad Hoc Committee reached a decision that will be fair to the School District who will pay not all but a smaller percentage of the total cost.

Mayor Franzella asked the City Attorney if the agreement could be amended during the first five years.

City Attorney Thompson said both parties must come to an agreement to amend the contract otherwise there is a five-year period to wait.

City Manager Jackson said you either come to a mutual agreement or the contract continues.

Councilmember Ibarra said the agreement has been in effect two years and now it is time to contribute and since they are short on fund, the School District does not want to pay for sports field maintenance.

City Attorney Thompson said the contract calls for a 5-year agreement and one party can give 30 days notice after the end of the contract. Both parties must agree to terminate in order not to have one party liable for breach of contract.

Councilmember Ruane said no matter what we do, we are not going to satisfy the School Board.

Mayor Franzella said this talk of field maintenance is not effective. We need to have a joint meeting to agree to cancel or amend. We have only had one person from the School Board talk to us at each meeting.

City Manager Jackson said she would coordinate with the District and even though they are on summer recess we will arrange a study session on this important matter.

Councilmembers Pallas and Ibarra both concurred that a meeting is needed and the sooner the better.

7. CALL FOR, PRESENTATION OF BIDS, and AWARD OF CONTRACTS: None

8. COMMUNICATIONS: None

9. STAFF REPORTS:

a. Finance Director O’Leary recommended the City Council adopt a resolution approving the tentative **General Fund and Special Revenue Funds Budget for 2004-05**, which is scheduled for City Council approval on July 27, 2004.

Mayor Franzella explained that since the budget is not ready for review until next month action is needed until the final review takes place on July 27, 2004.

Councilmember Ruane introduced Resolution 2004-29 for adoption, passed unanimously.

b. Finance Director O’Leary recommended the City Council adopt a resolution confirming the requested change in the **CalPERS Miscellaneous Plan** unfunded liability amortization schedule (“Fresh Start” approach extending the payment plan to 20 years) and authorizing prepayment of 2004-05 employer contribution through an advance from the City’s Wastewater Enterprise Fund.

Councilmember Ibarra asked if there would be more “Fresh Starts” or a greater financial liability because we are stretching out from 7 to 20 years for repayment?

Director O’Leary replied that the normal period is 20 or 30 years. CalPERS actually recommends 30 years but we felt 20 years would be more conservative.

Vice Mayor O’Connell introduced Resolution 2004-30 for adoption, passed unanimously.

c. Public Works Director Munns recommended the City Council adopt a resolution recommending that the **San Mateo County Flood Control District** impose basic and additional charges for funding the expanded scope of work for the 2004-05 Countywide National Pollutant Discharge Elimination System (NPDES) General Program. Director Munns explained the resolution and the permit requirements by the Federal Government. This is not a City fee but a program activity managed by CCAG and paid by a parcel fee collected by the County on property tax bill.

Councilmember Ibarra requested to know what the individual cost per household was.

Director Munns said the annual fee would be \$3.44 per year for the start up and a \$2.57 increase once the program starts, plus a 3% CPI increase. This is a federally mandated program, we don’t have a choice.

Councilmember Pallas introduced Resolution 2004-31 for adoption, passed unanimously.

d. Public Works Director Munns recommended the City Council approve formally designating the public street in City Park between Oak Avenue and Desoto Way as “**City Park Way**”.

Councilmember Pallas wanted to know who was responsible for this recommendation?

Mayor Franzella stated that he and **Councilmember Ruane** came up with this name and the Parks & Recreation Commission approved it with an additional recommendation of “Veterans Way”.

Rico Medina Chair of the Parks and Recreation Commission addressed the Council and gave the reasons the Commission wanted the City Council to consider “Veterans Way”.

Mayor Franzella said there is a better way to pay tribute to our veterans and he would like to see some type of memorial to honor veterans from all previous conflicts. He does not feel that naming a small street to obtain gas tax funds would be appropriate to properly honor our veterans.

M/S Ruane/O’Connell to name the street going through City Park “City Park Way”, passed unanimously.

10. REPORT OF CITY ATTORNEY - RESOLUTIONS & ORDINANCES:

City Attorney Thompson provided an **oral update** on the following community issues:

a. Decision reached by the Administrative Law Judge on the proposed P G & E 27-mile **Jefferson-Martin 230kV Electrical Transmission Line Project**. San Bruno has avoided the massive industrial transition station at Glenview and San Bruno Avenue and there would be a Glenview transmission tower near the water tank.

Public Works Director Munns stated that the new tower would be in the tree line near the water tank and while not hiding the tower it would create a buffer.

Councilmember Ibarra said with the earthquake faults in the area, he would prefer to have the tower west of Skyline Blvd and begin under grounding there to eliminate the overhead wires.

Chuck Zelnik, Merced Dr., stated during the hearing at Crestmoor Elementary School, the EMF issue was raised. The Administrative Law Judge is saying it is not safe to go down Trousdale Avenue but not unsafe to go down San Bruno Avenue. We need an ordinance preventing EMF near schools.

Mayor Franzella stated that the City of San Bruno never took a position opposing under grounding.

Tom Ricci, Crestmoor Dr., said all the property above San Bruno Ave & Skyline Blvd. belongs to San Francisco and this project is to serve San Francisco. Why not put the tower on San Francisco land? San Francisco who will be receiving this power hasn't even decided where they want the power station. He feels we should try harder and the public has gotten involved too late.

Mayor Franzella said notices were sent to all residents, he worked very hard on this project and is glad we don't have the transition station as planned. The City is not giving up and will be meeting with P G & E tomorrow.

Norma Elias said these 23,000 volts plus is being put by the water tank and people should go look at it. We need to laugh more and don't cry. The earthquake fault is right near the proposed tower.

City Attorney Thompson said the City does not have the power to enact an ordinance prohibiting this project. Burlingame, like San Bruno will have a transition tower, they were able to avoid using Trousdale Ave. and we were able to avoid the massive transition station. Both Cities will have lines and towers. The PUC will be reviewing all the information provided thus far and making a final decision.

b. Interim Settlement Agreement in the matter of the **City of San Bruno vs. BART** regarding construction of fences north and south of the Joint Police Station. City Attorney Thompson reviewed the settlement agreement and the history of the litigation. The court has agreed that the North Gate be kept open at the City's option and the City has agreed that if someone sustains an injury it hold BART harmless.

Councilmember Pallas asked if BART actually owns the land and if not we should try to buy from Sears? City Attorney Thompson replied that BART has an order allowing them to be on the land and the only question remaining is how much they will pay. The City would be in breach of contract if we did not pay the existing rent payments for the police station.

11. PUBLIC COMMENT ON ITEMS NOT ON AGENDA: No one wished to address the Council.

12. REPORT OF COMMISSIONS, BOARDS, & COMMITTEES:

a. **San Mateo County Mosquito Abatement District** Board of Trustee Robert Riechel provided an update to the City Council and a written report was given to the City Clerk.

Councilmember Pallas asked if using oil on standing water i.e. vegetable oil and/or WD-40 would control mosquitoes and how residents could obtain mosquito fish for this use.

Mr. Riechel said he would have the Board give answers to these questions.

b. City Clerk Simon requested the City Council set a date and time for interviewing applicants for vacancies on the Parks and Recreation Commission, Crime Prevention Committee, and the Peninsula Library Board.

Mayor Franzella set the meeting for 6:45 p.m. July 13, 2004.

c. The Beautification Task Force (O'Connell) reminded citizens that nomination forms for the 2004 Eighth Annual Beautification Awards are now available at the Clerk's Office, Library, and City Web Site. Deadline is Friday August 20, 2004 at 5:00 p.m.

At approximately 9:20 p.m. the City Council adjourned to closed session.

13. NEW BUSINESS:

Closed Session

a. Requested by Assistant City Manager Rogers **regarding labor negotiations** with all of the City bargaining units (Gov't Code Section 54957.8).

At 10:00 p.m. the City Council reconvened the meeting and **Mayor Franzella** reported than direction was given to the City's negotiator.

b. Approval of tentative agreement terms for Police Unit; and, Side-Letter agreement between City of San Bruno and San Bruno Management Employee Association relating to employee shared PERS liability and fiscal year 2004-05 one-time MOU concessions.

Councilmember Ruane introduced, Police Bargaining Unit Tentative Agreement, Resolution 2004-32, for adoption, passed unanimously by roll call vote.

Councilmember Ruane introduced, Side-Letter Agreement between the City and the San Bruno Management Association, Resolution 2004-33, for adoption, passed unanimously by roll call vote.

Mayor Franzella thanked the Management Group for stepping to the plate; considering the difficult financial position the City is in, this sets an example for others to follow, their efforts and sacrifices are appreciated.

14. ADJOURNMENT:

With no other business to transact, the meeting adjourned at 10:05 p.m., to 6:45 p.m., July 13, 2004, to interview applicants for vacancies on commissions, boards and committees. Thereafter; the meeting will adjourn to the regular City Council meeting, at 7:00 p.m., at the Senior Center, 1555 Crystal Springs Rd.

The foregoing minutes were approved by
the San Bruno City Council at a regular
meeting held on July 13, 2004.

Respectfully submitted for approval,

Ed Simon, City Clerk

Larry Franzella, Mayor